

Message Text

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ACTION EB-07

INFO OCT-01 ARA-10 ISO-00 COME-00 AGR-10 TRSE-00 XMB-04

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC PRIORITY 4929

UNCLAS SAN JOSE 4219

E.O. 11652: N/A

TAGS: BEXP, EAIR, CS

SUBJECT: AIR SHIPMENT OF CATTLE TO COSTA RICA

1. RUDY LACHNER, PROMINENT LOCAL BUSINESSMAN AND CATTLEMAN, AND SKIP ROBSON, VICE PRESIDENT OF AIR TRINE CORP. 1885 S. HIBISCUS DRIVE, NORTH MIAMI, FLA, CALLED AT THE EMBASSY AUGUST 27 SEEKING ASSISTANCE IN RESOLVING A PROBLEM INVOLVING AIR SHIPMENT OF FIVE HUNDRED HEAD OF DAIRY CATTLE VALUED AT APPROXIMATELY ONE-HALF MILLION DOLLARS FROM MADISON, WISCONSIN TO COSTA RICA.

2. LACHNER EXPLAINED THAT BECAUSE THESE EXPORT SALES WERE PARTIALLY FINANCED BY EX-IM BANK (THROUGH LOCAL BANKS UNDER CFF PROGRAM) THE CATTLE MUST BE SHIPPED VIA U.S. FLAG CARRIER. HE CLAIMS THAT LARGE U.S. CHARTER AIR CARRIERS ARE NOT INTERESTED IN PROVIDING SERVICE FOR THIS RELATIVELY SMALL AMOUNT OF CATTLE AT PRICES WHICH MAKE SHIPMENTS ECONOMICALLY FEASIBLE. HE HAS DEALT WITH AIR TRINE ON OTHER CATTLE SHIPMENTS AND HAS CONFIDENCE IN THEIR CAPABILITY. LACHNER NOTED THAT LETTERS OF CREDIT HAD BEEN OPENED FOR CATTLE SALES AND ANIMALS WERE READY TO BE SHIPPED.

3. ROBSON STATED THAT AIR TRINE, WHICH HAS A LEASE-PURCHASE AGREEMENT WITH INTERNATIONAL AIR LEASES, MIAMI, FOR A CONVAIR 880, U.S. REG. N-5865 WAS SERVED WITH A CEASE AND DESIST ORDER BY THE U.S. FAA REGIONAL OFFICE FOR WISCONSIN, ENJOINING THEM FROM USING THE AIRCRAFT TO TRANSPORT CATTLE FROM

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WISCONSIN TO COSTA RICA. BASIS FOR ORDER, ACCORDING TO

ROBSON, WAS APPARENTLY RELATED TO ALLEGED LACK OF OPERATIONAL CONTROL OVER FLIGHTS EXERCISED BY INDIVIDUALS IN WISCONSIN WHO CONTRACTED WITH AIR TRINE FOR USE OF THE AIRCRAFT, ALTHOUGH ROBSON UNDERSTANDS THAT CEASE AND DESIST ORDERS ARE ONLY SUPPOSED TO BE USED IN MATTERS INVOLVING SAFETY OF AIRCRAFT OPERATION. ROBSON INDICATED AIRCRAFT BEING OPERATED UNDER FAR PART 91. ABOUT TWO WEEKS AGO AIR TRINE SUBMITTED TO FAA WASHINGTON A REQUEST FOR WAIVER OF THE PROVISIONS OF FAR 121.3 FOR THE PURPOSE OF TRANSPORTING CATTLE ONLY. IT IS NOT CLEAR TO EMBASSY WHAT RELATIONSHIP WAIVER REQUEST HAS TO CEASE AND DESIST ORDER BUT ROBSON IMPLIED THAT APPROVAL OF WAIVER REQUEST WOULD RESOLVE AIR TRINE'S DIFFICULTIES WITH FAA, PRESUMABLY BY REGULARIZING AIR TRINE AS COMMERCIAL OPERATOR ENGAGED IN PRIVATE CONTACT CARRIAGE.

4. AS COSTA RICA'S IS THE LARGEST MARKET IN CENTRAL AMERICA FOR US BREEDER CATTLE, IT IS IMPORTANT TO US TRADE PROMOTION EFFORTS THAT EFFICIENT MEANS OF TRANSPORTATION BE PROVIDED.

5. EMBASSY WOULD APPRECIATE PROMPT CONSIDERATION BY FAA OF AIR TRINE'S REQUEST AND BEING ADVISED BY CABLE OF ACTION TAKEN THEREON.
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